

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WAUSAU BUSINESS INSURANCE CO.,

ORDER

Plaintiff,

v.

11-cv-636-bbc

DOUGLAS KAINZ,

Involuntary Plaintiff,

v.

PREMIER TECH, LTD. and
PREMIER TECH TECHNOLOGIES, LTD.,

Defendants.

In a text order dated August 6, 2012, Magistrate Judge Crocker ruled on a motion to compel brought by plaintiff Wausau Business Insurance Co., granting the motion in part and denying it in part. Dkt. #35. He ordered plaintiff to clarify its discovery requests and ordered defendant Premier Tech Technologies, Ltd. to respond to the clarified requests. He also stated that “[e]ach side will bear its own costs on this motion.”

Despite Judge Crocker’s clear ruling on the issue of costs, the parties have continued to argue about which side is entitled to costs on the motion. Plaintiff contends that it is entitled to costs under Fed. R. Civ. P. 37(a)(5)(A). Defendant contends that the parties should bear their own costs as stated in Judge Crocker’s order, or in the alternative, that the

court should award costs to defendant under Fed. R. Civ. P. 37(a)(5)(B).

I am not awarding costs to either side. This issue was resolved by Judge Crocker, and the parties have not shown any justification for a different decision.

ORDER

IT IS ORDERED that plaintiff Wausau Business Insurance Co.'s motion for costs, dkt. #23, is DENIED.

Entered this 15th day of October, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge